

HAS ANTI-COMMUNISM WRECKED OUR LIBERTIES?

The Liberals' Role in the Fight Against Subversion

ROBERT BENDINER

RARE is the traveler who returns from Europe or Asia these days without a full complement of gloomy tales about the anti-American sentiment he has encountered—in all countries and among all groups, sometimes subtle and edgy, sometimes shrill and contemptuous. Among the ingredients of this hostility are the hardy perennials of anti-Americanism which we have known for half a century: that we are crass materialists, that our culture is in Hollywood and our strength in Wall Street; that, pampered with wealth, we are the only nation in history to go from barbarism to decadence without ever being civilized. To this there has been added over the past few decades the inevitable scorn that declining powers feel towards a successor, and the very human distaste of unwilling beneficiaries for a benefactor.

These dim views of our national character we are learning to endure. But in the swelling chorus of resentment there is a new and alarming note. Whereas our democracy was once belittled, and at the same time envied, as the luxury of a rich and isolated nation, we are now attacked for the alleged undoing of that democracy. Especially among liberals and in labor circles abroad we are damned

Is it really becoming impossible to express unpopular political views in this country? Are we living through something equivalent to the "Palmer raids" following World War I—or something worse? Has "McCarthyism" blanketed our campuses and the American landscape generally with a fog of fear and dull conformity? ROBERT BENDINER, formerly managing editor of the *Nation*, and now a free-lance writer, here reviews the civil liberties scene and considers how well our fundamental rights are bearing up under the strains and pressures of the "cold war." Mr. Bendiner's article "Has the American Voter Swung Right?" appeared in the January COMMENTARY.

for a hysterical surrender to repression, suppression, McCarthyism, and black reaction. Thus a correspondent of London's *New Statesman and Nation* can soberly report:

"The drive for conformity with 'true Americanism' is intensified: properly to qualify, the citizen would need a purity certificate from the Un-American Affairs Committee, the National Association of Manufacturers, and the Hearst newspapers. Among those unable to qualify, fear of the informer strikes restraint even into private conversation. There are few Americans apart from the residents of some big cities and the comparatively small group of college teachers and intellectuals—the kind of people who read the *Nation* or *New Republic*—who today have much chance to read or hear dissenting opinions. . . . What remains of the Left looks, as I was told again and again, almost pathetically, to Britain."

So accepted, indeed, is this belief, that it is quite the thing for the liberal press of Europe to equate the United States and the Soviet Union as political menaces of the same order. An "English Observer" writes in the letter columns of the same journal: "Hysteria looks much the same in whatever interest it is whipped up, and except for a difference of vocabulary the similarity between such expressions of feeling [in the United States] and those that emanate from the other side of the Iron Curtain is startling."

Granting a difference "on the plane of humanity" between subjecting dissidents to forced labor in Russia and depriving them of their livelihood and reputation in America, the correspondent finds that "on the plane of freedom the distinction is very slight." Dissidents here have been silenced just as effectively: "Discussion, not of the ethics, but even of the practical consequences of

the Korean war, of the admission of Communist China to the UN, goes on only behind closed doors. The rift between what you can say in your own living room and what you can say in public is already clear and wide."

Similar commentary on the decline of American freedom may be culled at random from the press of the Continent. The burden of the song is that so rampant is our anti-Communist hysteria, so advanced the trend to some sort of American police state, that the average European would do well to adopt the plague-on-both-your-houses attitude, or "neutralism," as it is called. "Those two technocracies that think themselves antagonists," François Mauriac wrote in *Le Figaro*, "are dragging humanity in the same direction of dehumanization. . . ."

How has it come about that this distorted picture of the United States has gained such widespread acceptance among intelligent people, themselves anti-Communist, so soon after our wartime friendship and while our aid is still a major factor in their economic recovery?

IN PART, at least, the answer lies in those two extremes of American public opinion that by sheer lung power have monopolized the foreground: those who in fact do their utmost to generate "anti-Red" hysteria, and those who are eager at every moment to cry hysteria, either out of neurotic fear or to sharpen political axes of their own.

To view the United States in any reasonable perspective, it is essential to know that both these extremes exist, and that they are important and destructive forces. But at this juncture in our national life, it is equally important to understand and to state explicitly that these two extremes do not represent the republic. It is no service to liberalism, to the country, or to truth, to deny or belittle the inroads being made by the McCarthys on the constitutional liberties of Americans. Neither is it a service to liberalism, to the country, or to truth, to proclaim to the world that we are in the grip of panic, that no man dares speak his mind,

and that out of a nightmarish fear of Russia, American liberals have surrendered to the forces of militarism and repression.

To look first at the dark side of the moon, the past eighteen months must admittedly be put down as a period of dangerous nonsense in American public life. It was what George R. Stewart called "The Year of the Oath"—the year that the faculty members of the far-flung University of California were forced to swear that they were loyal Americans rather than subversive scoundrels in disguise, or else forfeit their posts. Many preferred the loss of their jobs to surrender, but in all the turbulence that rocked the state's campuses only two alleged Communists were smoked out—a teaching assistant at Berkeley and a pianist in the women's gymnasium at UCLA. The loyalty-oath mania—unquestionably the most fatuous means of fighting Communism that has yet been devised, since it affects almost anybody but Communists—spread rapidly. Quasi-public institutions like the Columbia Broadcasting System adopted it for all its employees, even if their sole function was to sing the praises of mild laxatives and detergents. And volunteers for defense work in New York City originally had to state whether even in the distant past they had ever belonged to outfits like the League Against War and Fascism before they could qualify as nurses' aides.

This was also the year in which sensational trials—Hiss, Remington, Coplon, Bridges, and the top echelon of the Communist party—were accompanied by running diatribes and fulsome prejudgments in the press that made our more judicial-minded friends in England and Canada wince in disbelief. It was the year in which a few individuals protested against Jean Muir in the television role of Mother Aldrich because long ago, it was said, she had belonged to fellow-traveling organizations; whereupon General Foods, fearing a possible decline in Jello consumption, withdrew its sponsorship of the retroactive sinner.

In Hollywood a frightened movie producer abandoned a projected film on the

Hiawatha legend for fear that the peace-pipe ceremony might be linked to the Stockholm Peace Petition. Birmingham summarily ordered the exile of all Communists on a few days' notice, regardless of the jobs they held or the property they were forced to abandon. The cities of Macon and Jacksonville quickly followed suit, while other communities demanded the instant registration of all Communists and members of supposedly fellow-traveling organizations. Fall River and Detroit forbade the distribution of any literature deemed subversive by the local police chief, and the mayor of Los Angeles urged citizens to report to the police anybody they thought suspicious, giving assurance that the accused would not be told who had accused them.

Above all, this was the time of McCarthyism, the cool employment, on high political levels, of the "big lie," and of the McCarran Act, which incorporated into law the evil principle of penalizing persons not for present activity but for associations they may have had twenty years ago. Under Section 22 of this statute, which originally (it has since been amended) barred from our shores anyone who is or ever was a member of a totalitarian organization, even in childhood or out of hunger, it seemed for a time that the opera and concert season would have to be confined to Ellis Island. The effect of this imbecility abroad may be gauged from an editorial that appeared at the time in *Il Messagero*, a conservative newspaper published in Rome. Said that daily, in part: "The immense power of the USA must have popular backing to maintain its prestige. If, however, certain events create disgust and people are tempted to shut off the radio when the 'Voice of America' comes on, we have serious reason to be worried. The internment of Italians on Ellis Island was perfectly in accord with anti-American propaganda, not with the 'Voice of America.' Merely an example of American silliness, it may be said. But America of today, the America that is leading the Western world, cannot afford silliness."

It is this same McCarran law that calls

for the registration of all organizations, with their officers and in some cases their members, which are deemed subversive by the Attorney General, the curious belief being that those bent on undermining the state will come forward and declare their subversive intentions.

MUCH more along this line could be cited, all to our discredit. No one with a modicum of concern for the traditions of democracy will want to minimize these acts or justify them. But to suggest that dissenting opinion in this country has been silenced, that Americans look over their shoulders when they talk, that political discussion goes on only behind closed doors, that as a people we are cut off from world opinion, and that a whole apparatus of informers, secret police, and terrorism has been imposed on the country—this is to conjure up a picture so far from reality that it either constitutes willful deception or borders on the psychopathic. To compare our loyalty procedures with the Russian purges, our trials with those conducted by Mr. Vishinsky, or the behavior of the FBI with that of the MVD; to infer that the difference between the United States and the USSR in the matter of liberty is merely an irrelevant difference in the degree of suppression, is to recall certain "neutrals" of another day. I refer to those America Firsters and Communist fellow-travelers of 1939 and 1940—Colonel McCormick and Earl Browder were at one in the matter—who made similar comparisons. There was no point in siding with Britain, they said, because if Hitler was brutal to the Jews and the Czechs, look what England had done in India. Damn them both with an even hand, and never mind how monstrous the difference in degree.

For the present distortions, both here and abroad, some American liberals bear, at least on two counts, a heavy share of responsibility. And these are the very counts that have made them ineffective in resisting the damage that really has been done to the structure of our civil liberties. The first count is their failure to see and to interpret

the wave of anti-Communism in its proper context. After years of ridiculing every serious contention that the Communist party was, at its top level, a conscious and active political conspiracy; of minimizing its capacity for mischief and insisting that it was merely another political party entitled to all the rights enjoyed by Republicans, Democrats, and Socialists, these liberal victims of self-delusion find it hard to face the evidence that in addition to Red-baiters there are also Reds. Perhaps the most significant aspect of the Hiss trial, in this connection at least, was the revelation that there really were Communists in government, however few, and that they did use their official posts for espionage, as charged. Even those who cling to a faith in Hiss's innocence cannot doubt that Whittaker Chambers did in fact work through government employees in transmitting secret documents to Russian agents.

On top of revelations of routine espionage came the even more shocking blow of the atomic spy trials. While it is by no means to be assumed that all American Communists would have done what the Rosenbergs did—few, I think, would—the facts remain that a Soviet plot to obtain our atomic secrets did exist; that the Russians worked through individual American Communists whose loyalty to the Soviet Union clearly transcended any other; that the plot was fantastically successful; and that the event was aired in a period of nerve-wracking tension during which the USSR several times brought the world to the brink of the most appalling of all wars.

To this picture must be added the further facts—and they are not figments of a Hearst rewrite man's imagination—that Russia sees the United States as her principal enemy, that her delegates in the United Nations and elsewhere lose no opportunity to slander this country in the most intemperate and provocative terms, and that Communist aggression has already cost us more than sixty thousand casualties in Korea and forced us into a semi-military economy. Where the defeat of fascism left us with

the hope of an era of peace and plenty, the brutal belligerence of the Kremlin has introduced one of profound disillusionment and suspicion, and has raised the corroding fear that ultimately we will have only the choice between bowing to worldwide tyranny and fighting a war in which victor and vanquished alike may go down in ruin. Throughout this campaign of blackmail and truculence, the Soviet Union has had, as always, the unfailingly zealous support of Communist parties everywhere except Yugoslavia. And these parties make it a principle to be covert, devious, and conspiratorial in their activities.

VIEWED in this perspective, the present temper of the country is at least understandable in terms other than hysteria. Ultimately, the source of our troubles is not the McCarthys and the McCarrans—in normal times there would be no trouble keeping them in their place; the source lies in that Russian-fomented conflict which allows a McCarthy to exploit the very real fears and resentments of a people who want only to be left in peace. McCarthyism is a reflection, however ugly and serious, of the international position that has been forced upon us by Soviet aggression. The point is not that repression in any of its forms should be tolerated—the health of our democracy depends on our fighting it—but that it cannot be fought as an isolated evil or apart from the larger evil which gave it birth and keeps it alive. That is a fact which liberals here and in Europe can ignore only at their peril.

Decrying the "hysteria" over here, our British and Continental friends sometimes point out that they are in even greater peril than we and yet manage to remain calm in the face of the Communist threat. There is a plausibility about this argument, and perhaps some merit. But one can speculate on just how much European calmness is a product of dignified courage and how much the fatalism—or prudent opportunism—of those in an exposed position. Western Europeans appear to be torn between a desire for assurance that we will come to their

aid in time to prevent the overrunning of their countries and a lively awareness that if they *are* overrun, ultimate liberation will come too late for those who took the anti-Communist lead before the storm broke.

THE second count against those who so intently cry hysteria is the wholly one-sided picture of America that they paint, and that, because of a curious astigmatism, they undoubtedly believe to be the complete view. Having touched on the outstanding instances of anti-libertarianism in the country, we might do well to look at some of the counterbalancing factors. European intellectuals have undoubtedly heard stories, for example, of government employees being grilled, probed, and investigated on the basis of hearsay or past associations. But how many of them know that of 3,225,000 present or prospective government workers, only 15,209 (less than half of 1 per cent) were even subjected to investigation; that with more than half of their investigations completed all the departmental loyalty boards together have recommended the dismissal of only 530 persons (.016 of 1 per cent); and that of these, 222 were cleared on appeal or granted new hearings, leaving a grand total of 308 persons dismissed (.009 of 1 per cent)? Add to this the fact that the Supreme Court has now ruled out of order the Attorney General's arbitrary manner of drawing up his list of supposedly subversive organizations on which charges of damaging association were based, and you have a procedure which, if open to serious criticism, is still something considerably less than hysterical.

By the same token, the country and the world know about the inane loyalty oath that a board of regents tried to inflict on the faculty of the University of California. But do they know that after a determined fight eighteen members of that faculty sued for the return of their jobs and were upheld by the District Court of Appeal, and that they have the support of the state's Republican governor? As this is written, a similar revolt is in progress in Oklahoma, where fac-

ulty members of two of the state's largest universities have flatly refused to sign a loyalty oath and intend to carry their fight to the courts.

More of this militance is needed, as it always is, but the fear and apathy that appears to pervade many of our campuses is a rather subtle compound. Kalman Seigel has pointed out, in an excellent survey in the *New York Times*, that it is true in part that the wariness of students in matters political is based on fear of being tagged a Communist; but it is also a product of the uncertainty of the times, of "a mature awareness of the true nature of Communism" that makes them genuinely anxious to steer clear of the involvements that trapped their campus predecessors of a decade ago. Mr. Seigel is impressed with the effects of "repressionism" on college life—with which we are generally familiar—but it is plain from his study that these have already begotten a counter-movement, and he cites numerous examples. A socialist history teacher in Chattanooga speaks of the "complete academic freedom" he enjoys to expound his views, both socialist and pacifist. The president of the University of Washington, where three faculty members were dismissed for alleged pro-Communist activity a few years ago, publicly condemns McCarthyism and boasts of the retention of a Marxist on his faculty. At the University of California itself there appears to be the freest discussion of the touchy Far Eastern situation and of the merits of the very oath which so disrupted the faculty. Nor should it be overlooked that Owen B. Lattimore, one of McCarthy's prime targets and still a highly controversial figure, was welcomed back to Johns Hopkins with a big testimonial dinner; and that, although the university's board of trustees includes some of Baltimore's most conservative citizens, Lattimore continues to head its Walter Hines Page School of International Relations.

Those who seem to revel in talk of hysteria might be reminded of another California court, whose judges granted bail to Harry Bridges with the words: ". . . how-

ever hard and disagreeable may be the task in times of popular passion and excitement, it is the duty of the courts to set their faces like flint against this erosive subversion of the judicial process." Then there are the federal courts in the District of Columbia, which have repeatedly thrown out contempt cases cited to them by Congress, on the ground that the possible self-incrimination pleaded by the defendants was a valid claim. It is all very well to say that these and other instances of "the judicial process standing up . . . well," to quote Max Lerner, indicate the existence rather than the absence of hysteria, with the judiciary standing as a barrier. But the courts, too, are part of America and their behavior is integral to the picture. What is more, their decisions have yet to be questioned by even the most rabid of the McCarthyites, or to evoke any resentment on the part of press or public. Yet both the latter have been quick enough in the past to protest against judicial decisions when feeling really ran high, as many a Western judge can attest who upheld foreclosure proceedings during the depression.

JUST as our European critics know little of the standards observed and maintained by our courts, so they know little or nothing of other aspects of our resistance to hysteria. They are no doubt familiar with the Jean Muir case, but it is unlikely that they know of the American Broadcasting Company's refusal to dismiss Gypsy Rose Lee under precisely the same kind of pressure, this time from the American Legion, because her name, like Miss Muir's, appeared in *Red Channels*. Or that for so refusing, this network was awarded the George Foster Peabody radio award for "its courageous stand in resisting organized pressure." Or that neither the network's stand nor the award drew any fire from a supposedly berserk population. It might be added in this connection that as a result of protests by the public—even Miss Muir's accusers disapproved of her summary dismissal without a hearing—the entire broad-

casting industry has adopted a plan by which anyone charged with Communist sympathies is permitted to answer the charges fully and confidentially, and his reply can be seen only on request by a potential sponsor. Perhaps any individual's politics are his private affair and the whole procedure is silly and needless, but Communist politics are no longer regarded as normal political activity, and I cite these developments merely to indicate a moderation which is hardly characteristic of hysteria. I might similarly mention the recent award of "Oscars" to Judy Holliday and José Ferrer only a few days after their names had been linked to "front organizations" by the House Committee on Un-American Activities, which supposedly has all Hollywood in a sweat of terror.

The FBI has been criticized, apparently with cause, for trying to discredit Max Lowenthal just before publication of his hostile book about that agency. Yet the fact is that the book not only appeared as scheduled but was rather well received by reviewers. By the same token, the Warner Brothers picture "I Was a Communist for the FBI" won rather sour notices from the critics, at least in the metropolitan area, on the ground that it was exaggerated melodrama, dangerous in some of its implications, and too black and white in its characterizations to be plausible. In short, we have a merciful distance to go before our federal police agency commands the fearful awe with which Russians rightly look upon their MVD. It might be well, too, to remark how the attempt to smear Anna Rosenberg not only failed utterly to deny her the high post of Assistant Secretary of Defense, but drew sharp rebukes from all but the lunatic fringe of the press and boomeranged violently against her accusers.

There has been no attempt, so far as I know, seriously to carry out the Draconian municipal ordinances mentioned above, and after the first flurry of imitations, activity of this nature against Communists petered out. The chances are that those who played a part in the enactment of the ordinances in

Birmingham, Jacksonville, and elsewhere had little serious expectation that they would be enforced or that they could possibly be sustained in the courts. And this, indeed, is a crucial aspect of the whole current period. Much of it is noise—from the extreme right and the extreme left—noise deliberately emitted for ulterior political purposes and having little actual effect on the bulk of the population. In this respect our anti-Communism is vastly different from the reactionary drive led by A. Mitchell Palmer in the early 1920's. The underlying purpose of that earlier campaign was to head off the rising trade union movement by identifying it with Bolshevism. And it was marked by violence, terrorism, wholesale deportations, and physical brutality, with the executive arm of the government itself lifted against the victim. The resort to undemocratic methods today is, by contrast, the reaction to a very real and grave threat from abroad; it is stubbornly opposed by a President who characteristically refuses to throw Mr. Acheson to the mob; and it has been marked neither by violence nor by patent miscarriages of justice.

IN NONE of what I have said, I hope, will there be thought to be self-congratulation where none is called for. To set down the mere fact that there is less political lawlessness in 1951 than there was in 1921 would hardly be worth one's while. I am aware, further, that such ugly tendencies as we have been witnessing call for vigor-

ous opposition rather than what may appear to be a smug satisfaction that matters are no worse than they are. But defenders of liberty have a duty to do more than simply wail over McCarthyism. They have an obligation to fight the enemies of liberty on both the right and the left. This means recognizing and opposing the Communists and their champions for what they are, no matter how much aid and comfort that might give the McCarthys of the country; and it means combating the McCarthys themselves for their crass attempts to exploit the justified hostility toward Communists for their own political purposes. This cannot be done by crying "Hysteria!" every time a Communist is exposed, on the ground that his political beliefs are private.

The need, in short, is for perspective. Jeremiads have so long been a staple among liberals that many of us have come to feel there is something shameful in ever admitting the possibility that all is not as black as pitch in our society. Normally the grimness of this view has a tonic value of a bitter sort, but in the present worldwide struggle of ideologies it borders on the irresponsible. Distorted and one-sided, it serves to breed defeatism at home and to repel our allies abroad. The present wave of repressive demagoguery can be checked—as its precursors have always been checked—without in the meantime giving the rest of the world the impression that it has only a hopeless choice between two Joes named Stalin and McCarthy.